

Appl. No. 10/013,078  
Amdt. dated July 7, 2005  
Reply to Office Action of April 7, 2005

### Remarks

The present amendment responds to the Official Action dated April 7, 2005. The Official Action noted that claims 1-4 have been withdrawn from consideration in an election made on March 8, 2005. The Official Action stated that the oath or declaration was defective and required submission of a new oath or declaration identifying the application by application number and filing date. The Official Action objected to the claims based on noted informalities. The Official Action rejected claims 5 and 6 under 35 U.S.C. 102(b) based on Mergenthaler U.S. Patent No. 4,779,706 ("Mergenthaler"). These grounds of rejection are addressed below following a brief discussion of the present invention to provide context. Claims 1-4 have been withdrawn. Claims 5 and 6 have been amended to be more clear and distinct. Claims 5 and 6 are presently pending.

### The Present Invention

According to one aspect, the present invention comprises a self checkout terminal including an incoming goods path for receiving goods and one or more goods collection zones for assembling goods passing into the goods collection zone from the incoming goods path. The self checkout terminal is preferably equipped with one or more retractable barriers selectively restricting access to the goods collection zones. If more than one goods collection zone is employed, communication between the incoming goods path and the goods collection zones may suitably be controlled by a movable divider, so that goods are directed from the incoming goods path to a selected one of the goods collection zones at any particular time. Each goods collection zone is equipped with a scale for determining the weight of goods assembled therein. A processor is preferably incorporated into the self checkout terminal and is operative to receive

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identification information from goods passing through the incoming goods path and to obtain expected weight information for goods passing through the incoming goods patch. The processor also preferably receives weight information for the goods assembled within each goods collection zone. The processor compares expected weight information for goods passing through the incoming goods path into a goods collection zone with actual weight information for goods assembled in that goods collection zone. The processor preferably detects a discrepancy between the actual weight information and the expected weight information and directs appropriate security measures if the discrepancy exceeds a predetermined amount. Security measures may include, for example, sounding an alarm, inhibiting conclusion of a transaction and continuing to restrict access to the goods collection zone.

#### The Objection to the Oath or Declaration

The Official Action stated that the oath or declaration was defective. A new oath or declaration is being submitted conforming to the requirements stated in the Official Action.

#### The Objection to the Claims

The Official Action objected to the claims because the steps recited in claim 5 were improperly labeled. The present amendment to claim 5 adds an additional step --b-- to the method of claim 5. With the amendment to claim 5, the objection to the claims has been overcome.

#### The Art Rejection

The art rejection hinges on the application of Mergenthaler standing alone. As addressed in greater detail below, the cited reference does not support the Official Action's reading of it and

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the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of the cited reference made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

The Official Action rejected claims 5 and 6 under 35 U.S.C. 102(b) as anticipated by Mergenthaler. In light of the present amendment to claim 5, this ground of rejection is respectfully traversed.

Claim 5, as amended, claims a method performed by a processor and comprising receiving input from the product scanner identifying goods introduced by a customer into the incoming goods path and controlling one or more barriers so as to restrict access by a customer to the goods collection zone during introduction of goods into the incoming goods path and introduction of goods into the goods collection zone. The method further comprises calculating, by referring to a record of product weights, a total weight value representative of the total weight of the goods introduced into the incoming goods path, receiving input from the weighing scale specifying the total weight of the goods once received in the goods collection zone and comparing the total weight value with the total weight of the goods and calculating any discrepancy between the said weights. The method further comprises, if the discrepancy exceeds a predetermined value, inhibiting conclusion of a transaction for purchase of goods introduced into the incoming goods path and assembled in the goods collection zone and continuing to control the one or more barriers so as to restrict access to the goods collection zone until the discrepancy is resolved and the transaction is concluded. These limitations in the claimed combination are not taught or made obvious by Mergenthaler. Mergenthaler teaches a scanning

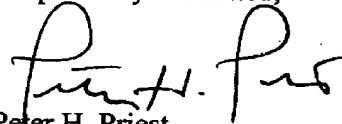
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station and a finalization station. The goods are scanned and weighed at the scanning station and as each bag of goods is assembled, the weight of the bag is associated with the bag and stored. A clerk at the finalization station receives the bags, which are placed on a scale incorporated into the finalization station and the weight of each bag at the finalization station is compared with the weight of the bag as determined at the scanning station. Mergenthaler does not teach control by a processor of a barrier so that access to goods in a collection zone is restricted and does not teach continuing to control the barrier so as to restrict access to the goods in the event of weight discrepancies. Mergenthaler employs two stations, one operated by a clerk, and anticipates that the clerk will control access to the goods at the finalization station, delivering or withholding the goods as appropriate. The present invention, as claimed by claim 5, by contrast, allows for automation of control of access to the goods and using a single customer operated station with no need for a second clerk operated station. Such an arrangement provides a savings of complexity and labor costs. Claim 5, as amended, therefore defines over the cited art and should be allowed.

#### Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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